

**HOWREY & SIMON**

*SECTOR*  
Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

#3

September 29, 1999



**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Non-Provisional Utility Patent Application  
Appl. No. 09/300,482; Filed: April 28, 1999  
For: **Nucleic Acid Molecules and Other Molecules Associated with the  
Phosphogluconate Pathway**  
Inventor: Nordine CHEIKH *et al.*  
Our Ref: 04983.0031.US01/38-21(15365)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to File Missing Parts of Application – Filing Date Granted;
2. Copy of the Notice to File Missing Parts of Application – Filing Dated Granted;
3. Combined Declaration and Power of Attorney for Patent Application executed by the inventors;
4. Form PTO-1082 (in duplicate);
5. Information Disclosure Statement (IDS);
6. PTO Form-1449 (8 pages) with 23 accompanying documents;
7. Howrey & Simon check no. 316625 in the amount of \$968.00 to cover:
  - \$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16)
  - \$ 78.00 Fee for excess claims (37 C.F.R. § 1.16)
  - \$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16); and
8. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

**HOWREY & SIMON**

Assistant Commissioner for Patents  
September 29, 1999  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Timothy W. Riffe (Reg. No. 43,881)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nordine CHEIKH, *et al.*

Art Unit: 1649

Appl. No. 09/300,482

Examiner: To be assigned

Filed: April 28, 1999

Attorney Docket: 04983.0031.US01/38-21(15365)B

For: Nucleic Acid Molecules and Other Molecules  
Associated with the Phosphogluconate Pathway

Response To Notice To File  
Missing Parts Of Application



Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTN: Box Missing Part

Sir:

In response to the Notice to File Missing Parts of Application--Filing Date Granted dated July 29, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☐ Petition for Extension of Time under 37 C.F.R. § 1.136;
- ☒ Copy of the Notice to File Missing Parts;
- ☒ Combined Declaration and Power of Attorney, executed by the inventors;
- ☐ An original executed Power of Attorney from Assignee;  
[or]
- ☐ An original executed Power of Attorney from Assignee with Delegation;
- ☐ Assignee Certificate Under 37 C.F.R. § 3.73(b) with copy of Assignment attached;
- ☐ Small Entity Status form;
- ☒ Return postcard; and
- ☒ Our Check No. 316625 for \$968.00 to cover:

\$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16)  
\$ 78.00 Fee for excess claims (37 C.F.R. § 1.16)  
\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16)  
\$ \_\_\_\_\_ For extension of time fees under 37 C.F.R. § 1.136.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. Marsh".

David R. Marsh (Reg. No. 41,408)  
Timothy W. Riffe (Reg. No. 43,881)

Date: September 29, 1999

**HOWREY & SIMON**  
**Box No. 34**  
**1299 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004-2402**  
**(202) 783-0800**

#3

Attorney Docket No. 04983.0031.US01/38-21(15365)B

ASSISTANT COMMISSIONER FOR PATENTS  
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Nordine CHEIKH, *et al.*

For: Nucleic Acid Molecules and Other Molecules Associated with the Phosphogluconate Pathway

Enclosed are:

- Form PTO-1595.
- A certified copy of a \_\_\_\_\_ application.
- A verified statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- xx Executed Combined Declaration and Power of Attorney for Patent Application.



The filing fee has been calculated as shown below:

(Col. 1)		(Col. 2)	SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
FOR	NO. FILED	NO. EXTRA	RATE	FEE		RATE	FEE
BASIC FEE				\$ 380.00	OR		\$ 760.00
TOTAL CLAIMS	9 -20 =	* 0	x 9 =		OR	x 18 =	
INDEP. CLAIMS	4 -3 =	* 1	x 39 =		OR	x 78 =	78.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+ 130 =		OR	+ 260 =	
			TOTAL		OR	TOTAL	838.00

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

— Please charge my Deposit Account No. 08-3038 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.

xx A check in the amount of \$968.00 to cover the basic filing fee, excess claim fee, and Surcharge for late filing of Declaration is enclosed.

xx The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-3038. A duplicate copy of this sheet is attached.

xx Any additional filing fees required under 37 CFR 1.16.

xx Any patent application processing fees under 37 CFR 1.17.

— The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 08-3038. A duplicate copy of this sheet is enclosed.

— Any patent application processing fees under 37 CFR 1.17

— The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

— Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Date September 29, 1999

David R. Marsh (Reg. No. 41,408)  
 Timothy W. Riffe (Reg. No. 43,881)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/300,482 04/28/99 CHEIKH

N 04983.0031.U

CHEIKH  
0212/0729



NOT ASSIGNED

DAVID R MARSH  
HOWREY & SIMON  
BOX NO. 34  
1299 PENNSYLVANIA AVENUE N W  
WASHINGTON DC 20004-2402

DATE MAILED: 1649

07/29/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☒ non-small entity is \$ 968.00

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ 78.00 for 1 independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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01/1999 RM68AT

760.00 OP  
78.00 OP  
130.00

FC:101  
FC:102  
FC:105